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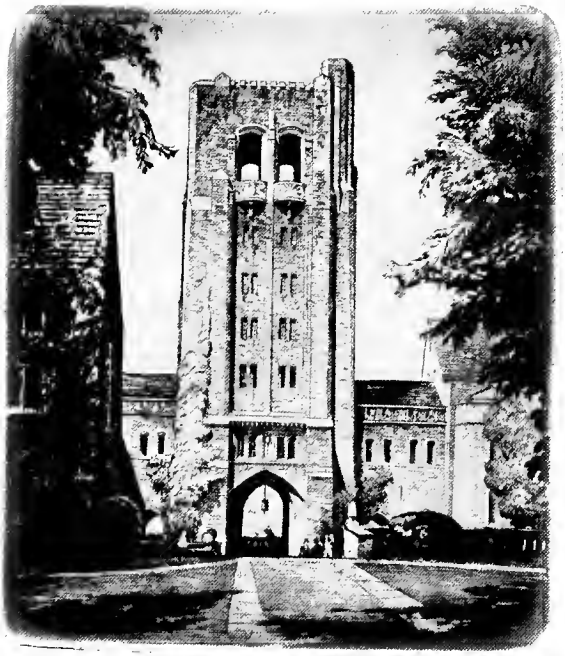

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INDEX

OF

NEW SOUTH WALES CASES

1825-1920

JUDICIALLY NOTICED

in the judgments of the Supreme Court of N.S.W., The High Court of Australia, or the Judicial Committee of the Privy Council on appeal therefrom, together with a Statement of the manner in which each case is dealt with in its place of citation

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PREFACE

This publication is offered to the legal profession, in the hope that it will fill a gap in the library of the busy practitioner, by supplying him with a means whereby he may, at a moments notice, ascertain how any particular case under consideration has been dealt with by the Courts in decisions subsequently reported.

The method adopted in arranging the cases in the Index is briefly as follows :—

All New South Wales cases, cited in judgments reported in the Law Reports of this State, or in the Commonwealth Law Reports, or in reports of New South Wales cases on appeal to the Judicial Committee of the Privy Council, are printed in dark type, in alphabetical order. Under each such case are given, in chronological order, references to cases in the judgments of which the case thus annotated has been judicially cited. Cases merely cited in argument have been omitted. Where there are in existence several reports of the one case, the reference has been given for convenience to each of such reports. It must be noted, however, that owing to some reports being of an abbreviated nature, the indexed case in some instances may not appear in the judgment of the case of reference, although actually cited by the Court in the complete report of such case of reference.

A list of abbreviations and a table shewing the meanings of the terms used in classifying annotating cases will be found on pages v. to vii.

Denman Chambers,
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A.S.L.
B.V.S.

NEW SOUTH WALES CASES, 1825-1920

An Index of N.S.W. Cases dealt with on Appeal by, or cited in the Judgments of, the Supreme Court of N.S.W. and the High Court of Australia, reported in :

Legge's Selection of Supreme Court Cases, Vols. 1-2	(1825-1862)
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‡ Annotations in 1920 A.C. to p. 915 only

MEANING OF TERMS USED IN CLASSIFYING ANNOTATING CASES.

Aff.	Affirmed	This expression is used to denote the fact that the decision in the annotated case has been upheld on appeal to a higher court.
Appl.	Applied	This expression is used to denote the fact that the principles of law enunciated in the annotated case have been applied to a new set of facts and circumstances in the annotating case.
Appr.	Approved	This expression is used to denote the fact that the principles of law enunciated in the annotated case have been held to be good law in the annotating case.
C.	Considered	This expression is used where the remarks in the annotating case are devoid of adverse criticism and merely denote the giving of more or less careful consideration to the annotated case.
D.	Distinguished	This expression is used where the annotated case is not necessarily questioned, but where some essential difference between it and the annotating case is pointed out.
Ex.	Explained	This expression is used where the annotated case is not necessarily questioned, but where the decision arrived at is justified or accounted for by calling attention to some point of fact or of law, which is usually, but not necessarily, one not obvious on the face of the report.
F.	Followed	This expression is used to denote the fact that the same principles of law are applied in both the annotated and annotating cases. It does not necessarily imply the facts are substantially identical in each case.
L.A.R.	Leave to appeal refused or rescinded	This expression is used to denote the fact that application has been made to a higher court for leave to appeal from the decision in the annotated case, and that such leave has been refused, or that leave which has been previously granted to appeal to a higher court has subsequently been rescinded.

N.F.	Not followed	This expression is used where in the annotating case the court has refused to apply principles of law enunciated in the annotated case.
O.	Overruled	This expression is used where the annotating case is on substantially identical facts with the annotated case, and where the principles of law enunciated in the annotated case are held to be wrongly stated:
Q.	Questioned	This expression is used where the court in the annotating case, without definitely going to the length of saying that the principles of law enunciated in the annotated case are wrongly stated, adduce reasons which seem to shew that they are stated inaccurately.
R.	Reversed	This expression is used to denote the fact that the decision in the annotated case has been upset by a court of appeal.
Refd.	Referred to	This expression is used to denote the fact that the annotated case is mentioned in the judgment of the court in the annotating case.
R.C.	Reversal confirmed	This expression is used to denote the fact that the decision in the annotated case has been reversed by a court of appeal, and that such reversal has subsequently been upheld by a higher court of appeal.
Restored.		This expression is used to denote the fact that the decision in the annotated case has been reversed or varied by a court of appeal, but that such reversal or variation has subsequently been upset, and the original decision upheld, by a higher court of appeal.
V.	Varied	This expression is used to denote the fact that the decision in the annotated case has been partly affirmed and partly reversed, or that in the annotating case some alteration has been made to the order of the court in the annotated case.
V.A.	Variation affirmed	This expression is used to denote the fact that the decision in the annotated case has been varied by a court of appeal, and that such variation has subsequently been upheld by a higher court of appeal.

ABBREVIATIONS.

A.C. (preceded by date)	Law Reports, Appeal Cases (House of Lords, Privy Council), since 1890.
App. Cas.	Law Reports, Appeal Cases (House of Lords, Privy Council), 1875-1890.
App.	Appendix.
B. & P.	Bankruptcy & Probate.
B.C.	Bankruptcy Cases (New South Wales).
C.L.R.	Commonwealth Law Reports (Australia).
D.	Divorce.
Eq.	Equity.
I.A.R.	Industrial Arbitration Reports (New South Wales).
Knox	Knox's Reports (New South Wales).
L.C.C.	Land Court Cases (New South Wales).
L.J.P.C.	Law Journal Privy Council.
L.R.P.C.	Law Reports, Privy Council, 1865-1875.
Legge	Legge's Selection of Supreme Court Cases (New South Wales).
Moore P.C.	Moore's Privy Council Cases, 1836-1863.
Moore P.C.N.S.	Moore's Privy Council Cases, New Series, 1862-1873.
(n)	Footnote.
N.S.W.L.R.	New South Wales Law Reports.
P. & D.	Probate and Divorce.
S.C.R.	Supreme Court Reports (New South Wales).
S.C.R.N.S.	Supreme Court Reports New Series (New South Wales).
S.R.	State Reports (New South Wales).
Tarl.	Tarleton's Term Reports (New South Wales).
V.	Vice-Admiralty.
W.N.	Weekly Notes (New South Wales).
Whitfeld's Divorce	Practice in Divorce (Whitfeld), 3rd Edition.
Wilk. Aust. Mag.	Wilkinson's Australian Magistrate, 7th Edition.

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